

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

11 ANGEL GARCIA,

12 Plaintiff,

13 v.

14 JAY RAMDEV PIR, CORP; and DOES 1
15 TO 10,

16 Defendants.

17 Case No.: 2:24-cv-10134-MEMF-MARx

18 **ORDER DECLINING TO EXERCISE
SUPPLEMENTAL JURISDICTION OVER
PLAINTIFF'S STATE LAW CLAIMS**

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20 Before the Court is the Response to the Court's Order to Show Cause Regarding
21 Supplemental Jurisdiction filed by Angel Garcia ("Garcia). ECF No. 14. For the reasons stated
22 herein, the Court DECLINES to exercise supplemental jurisdiction over Garcia's state law claims
23 and DISMISSES the claims.

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1 **I. Background**

2 **A. Factual Background¹**

3 Plaintiff Angel Garcia suffers from paraplegia and requires a wheelchair while traveling in
4 public. Compl. ¶ 1. Defendants Jay Ramedv Pir, Corp, (“Business”) and Does 1 to 10 are, or were
5 the owners of a motel located at or about 401 W. Chevy Chase Dr., Glendale, California. *Id.* ¶ 2.

6 In or about August 2024, Garcia went to the Business. *Id.* ¶ 10. The Business is a motel
7 business establishment, and it is a place of public accommodation that affects commerce through its
8 operation. *Id.* ¶ 11. Garcia encountered barriers while attempting to enter the Business during each
9 visit. *Id.* ¶ 12. Those barriers interfered with his ability to use and enjoy the goods, services,
10 privileges, and accommodations offered at the Business. *Id.* ¶ 12. Specifically, although the Business
11 provides parking spaces for customers, *id.* ¶ 11, it does not have a parking space designated for
12 persons with disabilities, nor does it have signage indicating such a space with the International
13 Symbol of Accessibility, signage warning others not to park in the designated space, proper paint on
14 the ground for such a space, or proper van accessibility for such a space. *Id.* ¶ 13. These issues deny
15 Garcia the full and equal access to the Business and deter him from visiting the business. *Id.* ¶ 14.

16 **B. Procedural History**

17 On November 22, 2024, Garcia filed a complaint against the Business and Does 1-10,
18 asserting: (1) a claim for injunctive relief arising out of an alleged violation of the Americans with
19 Disabilities Act (“ADA”), 42 U.S.C. § 12101, *et seq.*; (2) a claim for damages pursuant to
20 California’s Unruh Civil Rights Act (“Unruh Act”), Cal. Civ. Code §§ 51–53, *et seq.*; (3) a claim for
21 damages pursuant to the California Disabled Persons Act, Cal. Civ. Code §§ 54, *et seq.*; (4) a claim
22 for damages and injunctive relief based on California Health and Safety Code § 19955, *et seq.*; (5) a
23 claim for damages for negligence. *See generally* Compl. On January 22, 2025, the Court ordered
24 Garcia to show cause as to why the Court should exercise supplemental jurisdiction over his state
25 law claims. ECF No. 13 (“OSC”). Garcia filed a response on February 5, 2025. Response, ECF No.
26 14 (“Resp.”).

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28 ¹ The factual allegations included in this section are taken from the Complaint. ECF No. 1 (“Compl.”). The
Court makes no finding on the truth of these allegations and includes them only as background.

1 **II. Applicable Law**

2 **A. Supplemental Jurisdiction**

3 42 U.S.C. § 1367 “reflects the understanding that, when deciding whether to exercise
4 supplemental jurisdiction, ‘a federal court should consider and weigh in each case, and *at every*
5 *stage of the litigation*, the values of judicial economy, convenience, fairness, and comity.’” *City of*
6 *Chicago v. Int’l Coll. of Surgeons*, 522 U.S. 156, 173 (1997) (emphasis added) (quoting *Carnegie-*
7 *Mellon Univ. v. Cohill*, 484 U.S. 343, 350 (1988)). A district court has supplemental jurisdiction
8 over “all other claims that are so related to claims in the action within such original jurisdiction that
9 they form part of the same case or controversy under Article III of the United States Constitution.”

10 28 U.S.C. § 1367(a). However, district courts have the discretion to decline to exercise supplemental
11 jurisdiction if:

12 (1) The claim raises a novel or complex issue of State law;
13 (2) The claim substantially predominates over the claim over which the district
14 court has original jurisdiction;
15 (3) The district court has dismissed all claims over which it has original
16 jurisdiction; or
17 (4) In exceptional circumstances, there are other compelling reasons for
18 declining jurisdiction.

19 *Id.* § 1367(c). A district court declining supplemental jurisdiction pursuant to the section
20 1367(c)(4)’s “exceptional circumstances” provision must satisfy a two-part inquiry: (1) the “district
21 court must articulate why the circumstances of the case are exceptional within the meaning of §
22 1367(c)(4)”; and (2) “in determining whether there are compelling reasons for declining jurisdiction
23 . . . the court should consider what best serves the principles of economy, convenience, fairness, and
24 comity which underlie the pendent jurisdiction doctrine.” *Vo v. Choi*, 49 F.4th 1167, 1171 (9th Cir.
25 2022) (internal quotation marks omitted) (quoting *Arroyo v. Rosas*, 19 F.4th 1202, 1210 (9th Cir.
26 2021) (describing the inquiry)).

B. The ADA and Unruh Act

The ADA prohibits discrimination “on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation.” 42 U.S.C. § 12182(a). Only injunctive relief is available under the ADA. *See Wander v. Kaus*, 304 F.3d 856, 858 (9th Cir. 2002).

The Unruh Act entitles all people within California, regardless of their disability “to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.” Cal. Civ. Code § 51(b). Under the Unruh Act, a violation of the ADA constitutes a violation of § 51 of the Unruh Act. *See id.* § 51(f). And although the Unruh Act also permits injunctive relief, unlike the ADA, it also allows for recovery of monetary damages. It entitles plaintiffs to actual damages for each offense “up to a maximum of three times the amount of actual damage but in no case less than four thousand dollars.” *Id.* § 52(a). “The litigant need not prove she suffered actual damages to recover the independent statutory damages of \$4,000.” *Molski v. M.J. Cable, Inc.*, 481 F.3d 724, 731 (9th Cir. 2007).

Under the Unruh Act, all persons in California, “no matter what their . . . disability . . . are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.” Cal. Civ. Code § 51(b). The Unruh Act and the ADA go hand-in-hand—a violation of the ADA is automatically a violation of the Unruh Act. *Vo*, 49 F.4th at 1169 (citing *Arroyo*, 19 F.4th at 1204). However, unlike the ADA, the Unruh Act allows for recovery of monetary damages for every offense “up to a maximum of three times the amount of actual damage but in no case less than four thousand dollars (\$4,000).” Cal. Civ. Code § 52(a).

Further, California law sets forth a heightened pleading standard for lawsuits brought under the Unruh Act. *See Cal. Civ. Proc. Code §§ 425.55(a)(2) & (3).* The stricter pleading standard requires certain plaintiffs bringing construction-access claims like the one in the instant case to file a verified complaint alleging specific facts concerning the plaintiff's claim, including the specific barriers encountered or how the plaintiff was deterred and each date on which the plaintiff encountered each barrier or was deterred. *See id.* § 425.50(a). A "high-frequency litigant fee" of

1 \$1,000 is also imposed on certain plaintiffs and law firms bringing these claims. *See* Cal. Gov't
2 Code § 70616.5. A "high-frequency litigant" is "a plaintiff who has filed 10 or more complaints
3 alleging a construction-related accessibility violation within the 12-month period immediately
4 preceding the filing of the current complaint alleging a construction-related accessibility violation"
5 and "an attorney who has represented as attorney of record 10 or more high-frequency litigant
6 plaintiffs in actions that were resolved within the 12-month period immediately preceding the filing
7 of the current complaint alleging a construction-related accessibility violation." Cal. Civ. Proc. Code
8 §§ 425.55(b)(1) & (2). High frequency litigants are also required to state: (1) whether the complaint
9 is filed by, or on behalf of, a high-frequency litigant; (2) in the case of a high-frequency litigant who
10 is a plaintiff, the number of complaints alleging construction-related accessibility claim filed by the
11 high-frequency litigant during the 12 months prior to filing the instant complaint; (3) the reason the
12 individual was in the geographic area of the defendant's business; and (4) the reason why the
13 individual desired to access the defendant's business." *See id.* § 425.50(a)(4)(A).

14 **III. Discussion**

15 In the Order to Show Cause, the Court ordered Garcia to show cause in writing why the
16 Court should exercise supplemental jurisdiction over his Unruh Act claim, California Disabled
17 Persons Act claim, California Health and Safety Code claim, and negligence claim. *See* 28 U.S.C. §
18 1367(c). Further, the Court ordered Garcia to identify the amount of statutory damages he seeks to
19 recover and provide all facts necessary for the Court to determine if Garcia and Garcia's counsel
20 satisfy the definition of a "high-frequency litigants" as provided by California Code of Civil
21 Procedure §§ 425.55(b)(1) & (2). The Court finds Garcia's state law claims unsuitable for
22 supplemental jurisdiction within the meaning of section 1367(c)(4).

23 **A. The Court declines to exercise supplemental jurisdiction over the state law
24 claims.**

25 In the OSC, the Court ordered Garcia to "identify the amount of statutory damages" sought
26 under the Unruh Act and include declarations "providing all facts necessary" for the Court to
27 determine whether Garcia and Garcia's counsel satisfy the definition of a "high-frequency litigant"
28 as provided by California Code of Civil Procedure §§ 425.55(b)(1) & (2). OSC at 2.

1 i. Garcia qualifies as a high frequency litigant.

2 In the response to the Court's OSC, Garcia admits that he has filed more than ten complaints
3 alleging a construction-related accessibility violation within the 12-month period immediately
4 preceding the instant complaint. ECF No. 14-2. Correspondingly, Garcia's counsel conceded that
5 their law firm "likely" qualifies as a high-frequency litigant but failed to provide any facts from
6 which the Court could determine whether Garcia's counsel satisfies the definition of a high-
7 frequency litigant under Cal. Civ. Proc. Code §§ 425.55(b)(2); *see* ECF No. 14-1. Therefore, in state
8 court, Garcia would not only be obligated to pay the \$1,000 high-frequency litigant fee but would
9 also be required to meet the heightened pleading standard and allege specific facts relating to his
10 claim. Although Garcia alleges that he "is deterred from visiting the Business," he has not set forth
11 the allegations required by the heightened pleading standard—namely, he fails to disclose in his
12 complaint that the complaint was filed by or on behalf of a high-frequency litigant, state the number
13 of construction-related accessibility complaints he filed within the 12 months prior to filing the
14 instant complaint, or explain why he was in the geographic area of the Business. *See* Compl.

15 The California legislature has determined that requiring Garcia and other high frequency
16 litigants to meet this heightened pleading standard would serve California's interest in preventing
17 continued abuse of the Unruh Act by high-frequency litigants. *Arroyo*, 19 F.4th at 1206–07. It is
18 therefore appropriate in view of the *Gibbs* values of judicial economy, convenience, fairness to
19 litigants, and comity to decline supplemental jurisdiction so that Garcia may comply with the
20 requirements and California's interest in curtailing abuse can be vindicated. *See United Mine*
21 *Workers of Am. v. Gibbs*, 383 U.S. 715, 726–27 (1966).

22 ii. Garcia's state law claims predominate over the federal ADA claim.

23 Garcia asserts five claims: one federal law claim and four state law claims. *See generally*
24 Compl. ECF. No.1. Of these four claims, Garcia seeks damages and injunctive relief in connection
25 with his state law claims and, as prescribed by statute, only seeks an injunction in connection with
26 his ADA claim. *See id.*

27 A district court may dismiss state law claims without prejudice if a state law claim
28 "substantially predominates" over a federal claim "in terms of proof, of the scope of the issues raised

or of the comprehensiveness of the remedy sought.” *Gibbs*, 383 U.S. at 726–27. Indeed, the Unruh Act entitles plaintiffs to a minimum award of \$4,000 for each violation of the Act. Cal. Civ. Code § 52(a).

The Court finds that Garcia's state law claims predominate over the federal law ADA claim. Garcia seeks "all appropriate damages, including but not limited to statutory damages, general damages and treble damages in amounts, according to proof," and as such, any potential monetary damages awarded predominate over the injunctive relief sought on the ADA claim. Compl. at Prayer.

iii. Given the comity concerns expressed by the Ninth Circuit, exceptional circumstances exist to justify declining exercise of supplemental jurisdiction.

In the Ninth Circuit, to qualify as “exceptional circumstances” under section 1367(c)(4), the circumstances at hand “should be ‘quite unusual’ and should not rest ‘solely’ on routinely occurring conditions such as ‘docket congestion.’” *Arroyo*, 19 F.4th at 1211 (quoting *Ex. Software N. Am., Inc. v. U.S. Dist. Ct. for Cent. Dist. of Cal.*, 24 F.3d 1545, 1558, 1560 n.15 (9th Cir. 1994)). The Ninth Circuit has held that in the context of joint ADA-Unruh Act claims, the specific legislative apparatus surrounding the Unruh Act and the ADA meets the “exceptional circumstances” threshold. *Vo*, 49 F.4th at 1170 (citing *Arroyo*, 19 F.4th at 1213). Specifically, the California Legislature created the Unruh Act to give plaintiffs seeking an injunction under the ADA the additional option of pursuing monetary damages. *Arroyo*, 19 F.4th at 1211–12. The Unruh Act “relies dispository on the ADA’s substantive rules [and] expands the remedies available in a private action” to include monetary damages. *Id.* at 1211. The California legislature became concerned that “high-frequency litigants may be using the statute to obtain monetary relief for themselves without accompanying adjustments to locations to assure accessibility to others.” *Id.* But rather than adjust the language of the statute, the California Legislature opted to impose filing restrictions on potential litigants, making it “very unattractive” for litigants seeking monetary relief to file joint ADA-Unruh Act claims in state court.” *Id.* at 1211–12. However, as these restrictions do not apply in federal court, they have been rendered “largely toothless,” causing a “wholesale shifting of Unruh Act/ADA cases into the U.S. District

1 Court for the Central District of California.” *Id.* As the Ninth Circuit concluded, because this evasion
2 of the Legislature’s limitations would both be unfair to defendants and constitute “an affront to the
3 comity between federal and state courts,” it rises to the level of “exceptional circumstances” under
4 section 1367(c)(4). *Vo*, 49 F.4th at 1171. The plaintiff asserts that “there is nothing unique in the
5 state court procedures that are not replicated in some fashion in the federal system,” Response at 10,
6 but the Ninth Circuit considered both systems and determined otherwise. *See Vo*, 49 F.4th at 1170-
7 1171.

8 Here, the circumstances in this case meet the “exceptional” threshold. As previously
9 discussed, Garcia and/or his counsel qualify as high-frequency litigants. Further, given the “unique
10 configuration of laws in this area” that have given rise to concerns regarding fairness and the comity
11 between federal and state courts, exercising supplemental jurisdiction over Garcia’s Unruh Act claim
12 results in the same evasion of the California state legislature’s filing restrictions. *Id.*

13 Moreover, as discussed above, Garcia’s four state law claims predominate over the single
14 federal law claim. Thus, extending supplemental jurisdiction over the Unruh Act would run afoul of
15 principles of federal-state comity.

16 iv. As this case is in its nascent stages, there are compelling reasons for declining
17 supplemental jurisdiction.

18 Given that the first prong is satisfied, this Court must proceed to the second prong and
19 consider “what best serves the principles of economy, convenience, fairness, and comity which
20 underlie the pendent jurisdiction doctrine.” *Id.* at 1171 (internal quotation marks omitted) (quoting
21 *Arroyo*, 19 F.4th at 1210).

22 This case is still in its early stages—although the initial complaint was filed on November 22,
23 2024, Defendant has not appeared (nor has Garcia sought default), the parties have yet to engage in
24 any discovery, and the Court has yet to fully adjudicate this action. Accordingly, *Vo* does not dictate
25 that the Court retain jurisdiction. *Compare id.* at 1172 (concluding that because “[t]he district court
26 here declined supplemental jurisdiction over Vo’s Unruh Act claim well before it ruled on the merits
27 of the ADA claim,” there is “no reason to hold that the district court abused its discretion in
28 determining there were compelling reasons to decline jurisdiction over the Unruh Act claim”), *with*

1 Arroyo, 19 F.4th at 1215–16 (“If the district court had declined supplemental jurisdiction over
2 Arroyo’s Unruh Act claim at the *outset* of the litigation, it might then still have been possible to
3 further California’s interest in cabining Unruh Act damages claims through the imposition of
4 heightened *pleading* requirements and a substantial up-front filing fee.”).

5 Accordingly, the Court DECLINES to exercise supplemental jurisdiction over Garcia’s state
6 law claims. The Court therefore DISMISSES the Unruh Act claim, California Disabled Persons Act
7 claim, the California Health and Safety Code, and the negligence claim WITHOUT PREJUDICE.

8 IT IS SO ORDERED.
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10 Dated: March 4, 2025



11 MAAME EWUSI-MENSAH FRIMPONG

12 United States District Judge

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